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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,080	11/05/2003	Hideki Kobayashi	041514-5313	6306
55694 7590 07/17/2007 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209			EXAMINER PATEL, GAUTAM	
			ART UNIT 2627	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/701,080	Applicant(s) KOBAYASHI, HIDEKI	
	Examiner Gautam R. Patel	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,6,9,10 and 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7-8 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This is in response to amendment filed on 6/14/07.
2. Claims 1, 4, 7-8 and 11 remain for examination.
Claims 2-3, 5-6, 9-10 and 12-15 remains **withdrawn**.

NOTES/REMARKS

3. Applicant's are strongly urged to follow proper guide lines in marking the claims. Claims 14 and 15 must be marked as withdrawn irrespective of Applicants arguments and/or until the argument is resolved. Next time application will be sent back as non-responsive thus delaying the prosecution unnecessarily. To advance the prosecution this time application is not sent back.

Election/Restriction

4. Claims 2-3, 5-6, 9-10 and 12-15 stand withdrawn without traverse. Claims 1, 4, 7-8, 11, remains for examination.

Claims 2-3, 5-6, 9-10 and 12-15 were withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a non-elected species of figures other than 4-5 [first embodiment], in the previous paper dated 2/14/07.

Election was made without traverse in paper dated 8/30/06.

NOTE: Since figure 4-5 was elected, and claims 14-15 belong to species f, they are withdrawn from further examination along with above claims 2-3, 5-6, 9-10 and 12-13. Claim 1 and 8 being the linking/generic claims. No traverse was indicated therefore election without traverse is assumed. Arguments after election without traverse are not proper.

However to advance the prosecution arguments are addressed below.

It should be **reiterated** that only **ONE species** is allowed to be examined after the restriction and Applicants have elected species a (figs. 4-5 [first embodiments]”). Thus introducing new species in claims 14-15 is not allowed. Claim 1 and 8 may be generic however by examining claim 4 election of that species [a] has been elected and no other species are allowed underneath, such as b, c, d, e, or f.

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Following paragraph was sent previously which is reproduced.

*Applicant is required under 35 U.S.C. 121 to **elect a single disclosed species** for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are considered generic. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.*

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The requirement is still deemed proper and is therefore made **FINAL**.

NOTE: Applicants are urged to cancel non-elected claims 2-3, 5-6, 9-10 and 12-15 to advance the prosecution.

Action on claims 1, 4, 7-8 and 11 follows.

SPECIFICATION

5. Changes submitted for the specification pages 18-19 in paper dated 6/14/07 are entered.

Claim Rejections - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7-8 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Inokuchi et al., US. patent 6,172,952 (hereafter Inokuchi).

As to claim 1, Inokuchi discloses the invention as claimed [see Figs. 1] including a reading unit, a timing pulse generator, a demodulator, an error corrector, an address judging section and a synchronization controller, comprising:

a reading unit [fig. 1, unit 3] for reading recorded information from the recording medium and obtaining a readout signal;

a timing pulse generator [fig. 1, units 12-13] for generating a demodulated timing pulse in variable generation timing,

a demodulator [fig. 1, unit 6] for demodulating the synchronization signal and the address data representative of an address, from the readout signal according to the demodulated timing pulse;

an error corrector [fig. 1, unit 23] for carrying out an error correction process on the address data and obtaining corrected address data;

an address judging section [fig. 1, unit 23] for determining whether or not the corrected address data is a correct address [col. 10, line 8 to col. 11, line 17], and

a synchronization controller [fig. 1, units 17-20] for causing the timing pulse generator to execute a synchronization process for placing the generation timing in synchronism with the synchronization signal when the synchronization signal has a period equal to a predetermined period, whereby the synchronization controller, in the case the corrected address data is determined as a correct address, then puts the synchronization process into stand-by [HOLD] [col. 8, line 64 to col. 9, line 7 and col. 16, lines 29-49] for execution until the corrected address data is determined as an incorrect address [col. 12, line 19 to col. 13, line 46].

7. The aforementioned claim 4, recites the following elements, inter alia, disclosed in Inokuchi:

the address judging section determines the corrected address data as a correct address when the corrected address data increases or decreases consecutively by 1 at one time, and determines the corrected address data as an incorrect address when the address data is consecutively uncorrectable on error [col. 12, line 62 to col. 14, line 29].

8. The aforementioned claim 7, recites the following elements, inter alia, disclosed in Inokuchi:

a reading unit [fig. 1, unit 3] for reading recorded information from the recording medium and obtaining a readout signal;

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a timing pulse generator [fig. 1, units 12-13] for generating a demodulated timing pulse in variable generation timing,

a demodulator [fig. 1, unit 6] for demodulating the synchronization signal and the address from the

readout signal according to the demodulated timing pulse,

an error corrector [fig. 1, unit 23] for carrying out an error correction process on the address data and obtaining corrected address data;

an address judging section [fig. 1, unit 23] for determining whether or not the corrected address data is a correct address [col. 10, line 8 to col. 11, line 17]; and

a synchronization controller [fig. 1, units 17-20] for causing the timing pulse generator to execute a synchronization process for placing the generation timing in synchronism with the synchronization signal when the synchronization signal has a period equal to a predetermined period, whereby the synchronization controller, in the case the corrected address data is determined as a correct address, then puts the synchronization process into stand-by [HOLD] for execution until the corrected address data is determined as an incorrect address [col. 12, line 19 to col. 13, line 46].

9. As to claim 8, it is drawn to a method corresponding to the apparatus of claim 1, and is therefore rejected for similar reasons set forth in the rejection of claim 1, above.

10. The aforementioned claim 11, recites the following elements, inter alia, disclosed in Inokuchi:

The address determining step determines the corrected address data as a correct address when the corrected address data increases or decreases consecutively by 1 at one time, and determines the corrected address data as an incorrect address when the address data is consecutively uncorrectable for error [col. 12, line 62 to col. 14, line 29].

11. Applicant's arguments filed on 6/14/07 have been fully considered but they are not deemed to be persuasive for the following reasons.

In the REMARKS, the Applicant argues as follows:

A) That: "Applicant's claims 1 and 7 recite combinations of features including "whereby the synchronization controller,synchronization process into stand-by [original emphasis] for execution unit the corrected address data is determined to be incorrect address ...

In contrast to the above-described features of claims 1, 7 and 8 of the present application, Inokuchi discloses that the reproduction signal in monitors, and a synchronization process, in which output signal of the ate signal generator 12 is shifted, is performed when a timing error of the reproduction signal s detected." [page 12, paragraph 2 to page 13, paragraph 2; REMARKS].

FIRST: It seems the Applicants are making blanket statement as to what is not being shown by Inokuchi.

SECOND: The Examiner stands by his rejection. Inokuchi clearly shows concepts of stopping the execution based on incorrect address [see col. 8, line 64 to col. 9, line 7 and col. 16, lines 29-49]. Granted he is using word "HOLD" [hold the synchronization operation] instead of suspended but the action is exactly same. Incidentally charge pump 18 [fig. 1, unit 18] performs this holding function.

THIRD: Concepts of PLL circuits are well known in art since early 1970 are not patentable as such.

12. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact information

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2600) where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dwayne Bost, who can be reached on (571) 272-7023.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.



GAUTAM R. PATEL
PRIMARY PATENT EXAMINER

Gautam R. Patel
Primary Examiner
Group Art Unit 2627

July 7, 2007